K 1951

**File No.** M. Practitioners II/49 (R)

Legal Deptt

B. BRANCH

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**Subject:**— Rules under the Bombay Medical Practitioners Act 1938

P-4/5

M. Practitioner II/51 (R)

**File No.**

Gen. 194

258-B

Legal Department.

There are no grounds for reconsidering the opinion already given. The view taken by the Deputy Secretary, L.S.G. & P.H.D. is not correct. He probably refers to the procedure contained in sub-section (2) of section 16 of the Act. That sub-section was deleted by the Bombay Act 33 of the 1949. It applied to the persons who were eligible for registration on the date on which Part II came into force. This fact appears to have been overlooked. That procedure cannot now be legally prescribed under the rules to be made under sub-section (2) of section 31C.

Sd/-

Additional Secretary to Government.

U.R. to L.S.G. & P.H.D., No. 2387, dated the 8th February 1951.

EVI. 26/6.

Office of the R.L.A.

Paragraph 2 of Dy. Secy. L.SG. & P.H.D. note at page 68:

H.M. (H) has rightly referred to section 31C (2) of the Act. Under that section it would be competent to the Tribunal to enter in the Register of list the names of displaced persons residing in Saurashtra, Cutch, etc. in accordance with the procedure laid down therein. Sub-section (2) of section 31 (contemplates the making of rules in accordance with which the Tribunal has to make inquiry. Such rules have already been made. See existing Rules 120 to 123 of the Bombay Medical Practitioners Rules, 1939. These rules would also be applicable in respect of applications made by such displaced persons. If any other Rules are considered necessary by the Local Self Government and Public Health Department it is for that Department to suggest them.

Sd/-

Remembracer of Legal Affairs.

U.R' to L.S.G. & P.H.D., No. 9366, dated the 14th June 1951.

EVY. 25/6.

Office of the R.L.A.

Before the amendment of the Bombay Medical Practitioners' Act 1938 by Bombay Act XXXIII of 1949 the power to make provisionx by regulations for the matters specified in clauses (a) to (e) of section 28A(1) vested in the Board. Bombay Act XXXIII of 1949 transferred that power to a new authority, namely, the Faculty and the Faculty has been empowered not to make regulations bu by-laws for these matters. In view of this changed position it would be necessary for the Faculty to make the necessary by-laws immediately. The relevant regulations made by the Board should therefore be reissued by the Faculty as by-laws after incorporating therein the necessary changes as proposed.

Sd/-

Remembrancer of Legal Affairs.

U.R. to L.S.G. & P.H.D., No. 10344, dated the 29th June 1951.

EVY. 25/6.

Office of the R.L.A.

A revised fraft notification is sent herewith. Rule 121 contemplates inquiry at the place where the applicant was practising on 4th November 1941 and not where he was residing on the aforesaid date as suggested in the L.S.G. & P.H.D.'s note on p. 8 ante. The revised draft notification accordingly refers to the place of the applicant's practice. Since the relevant year of practice is 1941 reference is made to the City of Bombay and not to Greater Bombay.

Sd/-

Remembrancer of Legal Affairs.

U.R. to L.S.G. & P.H.D. , No. 10605, dated the 4th July 1951.

EVY. 25/6.